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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,412	02/27/2002	Kunio Takeuchi	501/40052/87	6887
7590	11/17/2004			
TREXLER, BUSHNELL, GIANGIORGI, BLACKSTONE & MARR, LTD. 105 W. ADAMS STREET CHICAGO, IL 60603			EXAMINER	PHAM, THOMAS K
			ART UNIT	PAPER NUMBER
			2121	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/084,412	TAKEUCHI, KUNIO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thomas K Pham	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 February 2002.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 3-15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 3-6,9-11,14 and 15 is/are rejected.  
 7) Claim(s) 7,8,12 and 13 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1.) Certified copies of the priority documents have been received.  
 2.) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892) &  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date 4/22/02 & 6/09/03.
- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**First Action on the Merits**

1. Claims 3-15 of U.S. Application 10/084412 filed on 02/27/2002 are presented for examination.

**Quotations of U.S. Code Title 35**

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

## **Specification**

6. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

7. The abstract of the disclosure is objected to because there are more than 150 words.

Correction is required. See MPEP § 608.01(b).

## **Claim Rejections - 35 USC § 102**

8. Claims 3-6, 9-11 and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,803,634 ("Ohno").

### **Regarding claim 3**

Ohno teaches a preset controller of a compensator in a rotary press (fig. 1, element 1), said rotary press including a compensator for use in a paper leading course extending from a printing unit to a folding unit and a movement device for moving said compensator, and controlling said movement device so that said compensator is moved to a preset location suitable for cutting a printed web at an optimum position thereof, said preset controller comprising:

- a storage for storing, per print operational condition (col. 27 lines 3-15, "The newsprint roll storage ... newsprint rolls are removed"),

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- at least, a combination of a print page assignment on each printing unit corresponding to a print operational condition and a paper leading course number for designating said paper leading course extending from said printing unit to said folding unit, together with an individual print pattern number added thereto (col. 19 lines 34-46, "A bundle dispatching order ... prepared in the folding unit 2F").

#### **Regarding claim 4**

Ohno teaches a second storage for storing, per paper leading course number (col. 8 lines 8-12, "In the truck yard ... process control system 1"), at least, a combination of a compensator number for designating said compensator corresponding to said paper leading course number and a compensator set value for determining a location of said compensator for cutting the printed web at an appropriate position thereof (col. 4 lines 33-46, "The production process control ... sorting control subsystem 5").

#### **Regarding claim 5**

Ohno teaches an input unit for inputting a print pattern number to designate the print operational condition to be implemented (fig. 3A element 2 and col. 5 lines 61-64, "Various values such as ... web leading pattern").

#### **Regarding claim 6**

Ohno teaches a data reader for reading, based on said print pattern number inputted by said input unit, said print page assignment on each printing unit and said paper leading course number corresponding to said print pattern number, from said storage (col. 13 lines 20-28, "106 to a keyboard for inputting ... as lines on printing plates").

#### **Regarding claim 9**

Ohno teaches a display for displaying said print page assignment and said paper leading course number read from said storage by said data reader (col. 5 lines 52-54, "A graphic display unit ... on its CRT screen").

**Regarding claims 10, 11 and 14**

Ohno teaches an input unit for inputting a print pattern number to designate the print operational condition to be implemented (col. 16 lines 62-65, "By inputting into the ... in the plate-processing machines").

**Regarding claim 15**

Ohno teaches a preset controller of a compensator in a rotary press, said rotary press including a compensator for use in a paper leading course extending from a printing unit to a folding unit and a movement device for moving said compensator, and controlling said movement device so that said compensator is moved to a preset location suitable for cutting a printed web at an optimum position thereof, said preset controller comprising:

- a storage for storing, per paper leading course number (col. 8 lines 8-12, "In the truck yard ... process control system 1"),
- at least, a combination of a compensator number for designating said compensator corresponding to said paper leading course number and a compensator set value for determining a location of said compensator for cutting the printed web at an appropriate position thereof (col. 4 lines 33-46, "The production process control ... sorting control subsystem 5").

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### **Allowable Subject Matter**

9. Claims 7-8 and 12-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450**. Responses may also be faxed to the official fax number **(703) 872- 9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Thomas Pham**  
*Patent Examiner*

*TP*  
November 12, 2004

*Anthony Knight*  
*Supervisory Patent Examiner*  
*Group 3600*